



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Set a Public Hearing for April 18, 2007 in order to consider an appeal to the Planning Commission's approval of a Conditional Use Permit for Wine Country Casino and Restaurant located at 1800 South Cherokee Lane. (Wine Country Casino and Restaurant, applicant; Kenneth R. Owen, appellant).

MEETING DATE: April 4, 2007

PREPARED BY: Randy Hatch, Community Development Director

RECOMMENDED ACTION: Set a Public Hearing for April 18, 2007 in order to consider an appeal to the Planning Commission's approval of a Conditional Use Permit for Wine Country Casino and Restaurant located at 1800 South Cherokee Lane.

BACKGROUND INFORMATION: At their February 14, 2007 meeting the Planning Commission conducted a public hearing and conditionally approved the Use Permit request of Wine Country Casino and Restaurant for the proposed card room operation. An appeal was filed on March 1, 2007 to the approval of the Conditional Use Permit from Kenneth R. Owen, a representative from Christian Community Concerns. This appeal was timely filed and the City Council needs to conduct an appeal hearing.

FISCAL IMPACT: N/A

FUNDING: N/A

A handwritten signature of Randy Hatch in black ink.

Randy Hatch
Community Development Director

Attachment: Appeal letter

RH/kjc

APPROVED: A handwritten signature of Blair King in black ink.
Blair King, City Manager



City of Lodi
Community Development Department
P.O. Box 3006
221 W. Pine Street
Lodi, California 95241-1910

**Application for Appeal
Before the Board of Appeals
For the City of Lodi**

General Information Required

Appellant's Name Kenneth R. Owen Phone 209-368-0990
Mailing Address

10908 N. Micke Grove Rd., Lodi, CA 95240

Relation to Subject Property (Pertaining To Appeal)

☐ Owner

☐ Tenant

☐ Property Manager/Agent

☒ Other: concerned citizen

In the case of multiple appellants, each must fill out an Application for Appeal, but they can submit together under one fee.

Subject Address Assessor's Parcel No.

1800 S. Cherokee Lane, Lodi, CA 95240

Parcel# 06051

Subject Property Owner's Name

Phone

Leon Croce Trust, P O Box 555, Lodi, CA 95241

Subject Property Owner's Mailing Address

RECEIVED
CITY OF LODI
2007-11-13
X CC HR
X CM IS
X CA LIB
X CD PR
EUD PD
FIN PW
FD COM

Appeal Information Required

Provide a statement of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant, and any relief sought and reasons why it is claimed that the protested order or action should be reversed, modified, or otherwise set aside.

We are protesting the action taken by the Lodi Planning Commission concerning the

"conditional use permit" for Wine Country Casino and Restaurant that was approved on

February 14, 2007. Our primary concerns are as follows: The area for the proposed

casino is mostly residential with a few businesses on Cherokee Lane. We do not feel

this is a good location for this type of business. Secondly, Cherokee Lane is a major

gateway for people coming from Hiway 99 south. This is the first business they will

see when coming into Lodi. It is also a major corridor for residents who will be using

it going to and from their homes.

In addition to concerns we have for the location, we also feel that a broader discussion

about the whole issue of expanding gambling in Lodi should take place.

Please see attached pages for additional details:

Initial Review of Appeal: There will be an initial Administrative Review of this appeal to determine whether this Department can resolve the issues under appeal. If the issues can be resolved through this Administrative Review, then the \$300 Appeal Fee will be returned to the Appellant.

Staying Order Under Appeal: Except for Notices to Vacate, enforcement of any notice and order of the Building Official shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

Attach Additional Pages If Necessary

I certify, under penalty of perjury, that I acknowledge the filing of this appeal and that the matters stated in this appeal are true and accurate.

Date

Signature

Print Name

3-1-07

Kenneth R. Owen

KENNETH R. OWEN

Date/Time Received

By:

Fee Paid:

Christian Community Concerns

Pertinent facts relating to the Wine Country Casino & Restaurant:

On May 17, 2006, the City Council conducted a hearing on a proposed amendment to the city ordinance to expand gambling in Lodi from 6 to 8 tables, and increasing the number of players from 7 to 10 at each table. The amendment would also allow the game Texas Hold 'em, and allow the card room to stay open two hours later on Saturday and Sunday till 4 a.m. Jack Morgan the owner of Axtion Jackson's, a local card room on Sacramento Street, approached the City Council about changing the existing ordinance.

At that time, Mr. Morgan did not have another location to move to, so the action was to just expand the City Ordinance to allow the expansion at that time. On June 7, 2006, the City Council did in fact vote to repeal and reenact chapter 5.12 'cardrooms,' in its entirety, "of ordinance no. 1779 entitled an ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 5."

Three Council Members were in favor, Hansen, Johnson, and Mounce, while Councilman Beckman voted no, and Mayor Hitchcock was absent, so it passed 3-1.

On February 14, 2007, the matter was taken up again by the Lodi Planning Commission to vote on a "Conditional Use Permit" for a particular location at 1800 S. Cherokee Lane, formerly known as Jazzy J's. After a two hour discussion, the Planning Commission voted 3-2 with two absent to approve the Conditional Use Permit, and clear the road for the card room which will be known as Wine Country Casino and Restaurant.

Christian Community Concerns which is a (501)c3 non-profit organization has been in existence in Lodi since 1985. We are basically involved with moral issues that have the potential of having great adverse effects on the citizens of Lodi and the surrounding community. I am the Founder/Director of the organization.

CCC is opposed to both the expansion of gambling in Lodi, and the proposed location that has been chosen to house the card room for the following reasons.

- The area between Cherokee, Harney, Stockton, and Kettleman lane is mostly residential with a few businesses on Cherokee Lane. A card room is not a good mix for a high residential area such as this.

- Cherokee Lane is a major gateway for people coming from 99 south. This is the first business they will see when coming into Lodi. It is also a major corridor for residents who will be using it going to and from their homes.

THESE ARE OUR PRIMARY CONCERNS REGARDING THE LOCATION CHOSEN AS GROUND ZERO FOR THE EXPANSION OF GAMBLING IN LODI.

In addition to the reasons we feel this is the wrong location for a card room in Lodi, we also feel a broader discussion about the expansion of gambling in Lodi should take place.

- We believe that the City Council has only heard one side of the issue. I apologize for not being more vocal at the time the expansion ordinance was passed. We would like the opportunity to bring a community awareness to this ordinance and the effects of expanding gambling in Lodi.
- Up to this point, gambling has been very inconspicuous in Lodi. Those who want to gamble have had to go looking for a card room. If this expansion at the proposed location does in fact take place, it will be very conspicuous, and potentially could create many more habitual gamblers and create more societal problems for Lodi.
- The attorney for the Casino said that, "The City of Lodi will be partners with us in this venture, because the City will receive nine percent of the monthly revenue." Why would the City want to be in partners with this type of business? That truly is a moral issue.



***Please immediately confirm receipt
of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: PUBLIC HEARING TO CONSIDER APPEAL OF THE PLANNING
COMMISSION'S APPROVAL OF A CONDITIONAL USE PERMIT FOR
WINE COUNTRY CASINO AND RESTAURANT LOCATED AT
1800 SOUTH CHEROKEE LANE

PUBLISH DATE: SATURDAY, APRIL 7, 2007

LEGAL AD

TEAR SHEETS WANTED: One (1) please

SEND AFFIDAVIT AND BILL TO:

RANDI JOHL, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, APRIL 5, 2007

ORDERED BY: RANDI JOHL
CITY CLERK


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

DANA CHAPMAN
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS	Faxed to the Sentinel at 369-1084 at _____(time) on _____(date) _____(pages)
	Phoned to confirm receipt of all pages at _____(time) _____JLT _____DRC _____JMP (initials)



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A CONDITIONAL USE PERMIT FOR WINE COUNTRY CASINO AND RESTAURANT LOCATED AT 1800 SOUTH CHEROKEE LANE

On Friday, April 6, 2007, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider appeal of the Planning Commission's approval of a Conditional Use Permit for Wine Country Casino and Restaurant located at 1800 South Cherokee Lane (attached and marked as Exhibit A) was posted at the following locations:


Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 6, 2007, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

DANA R. CHAPMAN
ADMINISTRATIVE CLERK



DECLARATION OF MAILING

PUBLIC HEARING TO CONSIDER APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A CONDITIONAL USE PERMIT FOR WINE COUNTRY CASINO AND RESTAURANT LOCATED AT 1800 SOUTH CHEROKEE LANE

On April 5, 2007, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Notice of Public Hearing to consider appeal of the Planning Commission's approval of a Conditional Use Permit for Wine Country Casino and Restaurant located at 1800 South Cherokee Lane, attached hereto Marked Exhibit A. The mailing list for said matter is attached hereto, marked Exhibit B.


There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 5, 2007, at Lodi, California.

ORDERED BY:

RANDI JOHL
CITY CLERK, CITY OF LODI


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

DANA R. CHAPMAN
ADMINISTRATIVE CLERK



CITY OF LODI

**Carnegie Forum
305 West Pine Street, Lodi**

NOTICE OF PUBLIC HEARING

Date: April 18, 2007

Time: 7:00 p.m.

For information regarding this notice please contact:

Randi Johl

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, April 18, 2007**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) Appeal of the Planning Commission's approval of a Conditional Use Permit for Wine Country Casino and Restaurant located at 1800 South Cherokee Lane (Wine Country Casino and Restaurant, applicant; Kenneth R. Owen, appellant)

Information regarding this item may be obtained in the Community Development Department, 221 West Pine Street, Lodi, (209) 333-6711. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 W. Pine Street, 2nd Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

A handwritten signature in black ink, appearing to be "Randi Johl", written over a horizontal line.

**Randi Johl
City Clerk**

Dated: April 4, 2007

Approved as to form:

A handwritten signature in black ink, appearing to be "D. Stephen Schwabauer", written over a horizontal line.

**D. Stephen Schwabauer
City Attorney**

APN	OWNER	ADDRESS	CITY	STATE	ZIP
06206034	VINTAGE INVESTMENTS PTP	3158 AUTO CENTER CIR SUITE E	STOCKTON	CA	95212
06206035	MENDONCA, MANUEL & R ETAL	1 N CHEROKEE LA	LODI	CA	95240
06206047	YANG, CHUNG YAO & HSI HUNG YU	13837 SARATOGA AVE	SARATOGA	CA	95070
06206048	MARTIN, VERA E TR	659 COLLEGE DR	SAN JOSE	CA	95128
06206051	CROCE, LEON A TR	PO BOX 555	LODI	CA	95241
06206054	B & P INVESTMENTS PTP	PO BOX 1131	ALHAMBRA	CA	91801
06208012	FANDRICH, BERNARD G & JOANNE K	16667 N TECKLENBURG RD	LODI	CA	95240
06266067	CHEROKEE NORTH LLC	310 JAMES WAY SUITE 150	PISMO BEACH	CA	93449
06102005	BECKMAN, MARCIA A TR ETAL	PO BOX 1537	LODI	CA	95241
06102006	BECKMAN, MARCIA A TR ETAL	PO BOX 1537	LODI	CA	95241
06102007	ANAGNOS, JOHN ETAL	PO BOX 1779	WOODBIDGE	CA	95258

Ken Owen 10908 N. Mickle Grove Rd., Lodi CA 95240

Notice was also posted by CD staff at the following locations:

x on project site

x at apartment complex on Cherokee & Almond